

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON AT SPOKANE

TRANS-HIGH CORPORATION, INC.
d/b/a High Times,

Plaintiff,

v.

RICHARD REIMERS; JOHN DOES 1-10
and XYZ CORPORATIONS
1-10,

Defendants.

Case No. 2:14-cv-00279

ORDER OF PERMANENT INJUNCTION
AND DISMISSAL

Plaintiff, Trans-High Corporation, Inc. (“High Times” or “Plaintiff”) and Richard Reimers (“Defendant”) (collectively, “the Parties”), submit a Stipulated Judgment for Permanent Judgment (“Stipulated Judgment”), ECF No. 21, which they jointly ask to be entered by this Court. The Court construes the parties’ stipulation to be a joint motion for entry of permanent injunction and dismissal. The Court, having considered the complaint and pleadings filed in this matter, and now being advised in the premises, grants the parties’ joint motion for entry of permanent injunction and dismissal of the case and finds that:

ORDER - 1
(Case No. 2:14-cv-00279)

DAVIDSON BACKMAN MEDEIROS
ATTORNEYS AT LAW
A PROFESSIONAL LIMITED LIABILITY COMPANY
1550 BANK OF AMERICA FINANCIAL CENTER
601 WEST RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201

- 1 1. Plaintiff alleges that Plaintiff, its predecessors, their affiliated and related
2 entities, licensees and/or sponsors long used various names, marks and
3 domain names that contain the words HIGH TIMES, in connection with a
4 wide variety of goods and services including its well-known counter-culture
5 publication HIGH TIMES Magazine as well as books, clothing, posters and
6 various other goods and services related to the subject of marijuana, drug law
7 reform and alternative lifestyles (collectively, the “HIGH TIMES Marks”) and
8 may adopt additional names, marks and domain names in the future
9 containing the words HIGH TIMES;
- 10 2. Plaintiff owns the following United States trademark applications and
11 registrations for the HIGH TIMES Marks: Registration Nos. 4,069,371,
12 2,766,982, 1,883,561, 2,386,838, 3,025,055, 2,856,379, 3,815,134, 3,515,068,
13 3,494,862, 3,333,713 and Application Serial Nos. 86/097,993, 86/278,717;
14 86/174,495; 86/258,769; 86/278,770; 86/205,092; and 86/205,130.;
- 15 3. Defendant used the mark “HIGH TIME STATION” in connection with a
16 marijuana-themed retail store located at 1448 Basin St. NW, Ephrata,
17 Washington 98823 and a website located at www.hightimestation.com;
- 18 4. On August 25, 2014, Plaintiff brought an action against Defendants alleging (i)
19 trademark infringement in violation of § 32(1) of the Lanham Act, 15 U.S.C. §
20 1114; (ii) false representations, descriptions and designations of origin in
21 violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); (iii) unfair
22 methods of competition and trade practices in business and fraudulent
23 misrepresentation in violation of the Washington Consumer Protection Act,
24 R.C.W. § 19.86.020; (iv) unfair competition in violation of the common law
25 of the State of Washington; and (v) trademark infringement in violation of the
26

common law of the State of Washington based upon Defendants' use of the name "HIGH TIME STATION" in connection with a marijuana-themed retail store (the "Action");

5. By executing the Stipulated Judgment, the Parties do not admit any liability;

6. The Parties, wishing to avoid the expense, uncertainty, inconvenience, and other burdens of litigating the above-entitled action, agree to the settlement of their dispute and hereby stipulate to the entry of the Stipulated Judgment.

IT IS HEREBY STIPULATED THAT JUDGMENT BE AND HEREBY IS ENTERED AS FOLLOWS:

1. **Jurisdiction.** This Court has jurisdiction over the Parties to this Stipulated Judgment and has jurisdiction over the subject matter hereof pursuant to 15 U.S.C. § 1121. The jurisdiction of this Court is retained for the purpose of making any further orders necessary or proper for the construction or modification of this Stipulated Judgment, the enforcement thereof and the punishment of any violations thereof.

2. **Injunctive Relief.** Defendant and his agents, servants and employees, and all persons in active concert or participation with him:

a. Acknowledge as valid and will not oppose, attempt to oppose, cancel, attempt to cancel, object to or otherwise interfere with (or advise or encourage others to challenge or interfere with) Plaintiff's HIGH TIMES Marks and CANNABIS CUP Marks;

b. Acknowledge and affirm that Trans-High is the rightful owner of the Trans-High's HIGH TIMES Marks and CANNABIS CUP Marks;

c. Are hereby permanently restrained and enjoined from:

i. Using, seeking to register, registering or authorizing others to use seek to register or register any mark that comprises or contains the term “HIGH TIMES” and/or any of Plaintiff’s HIGH TIMES Marks.

ii. Using, seeking to register, registering or authorizing others to use seek to register or register any mark that comprises or contains the term “Cannabis Cup” and/or any of Plaintiff’s CANNABIS CUP Marks.

iii. Using the mark “HIGH TIME STATION”.

d. Are directed to do the following by June 30, 2015:

i. Destroy any and all labels, signs, posters, flyers, printouts, logos, advertisements and promotional materials of any kind in Defendant’s possession and control bearing the term “HIGH TIME” or “HIGH TIMES” or any of Plaintiff’s HIGH TIMES Marks and remove term “HIGH TIME” and “HIGH TIMES” or any of Plaintiff’s HIGH TIMES Marks from any website, Facebook page, Twitter account, or any other promotional tool or social media site of which Defendant has the requisite control and authority to change.

3. **Waiver of Appeal.** This Stipulated Judgment is final and may not be appealed by either party. Plaintiff and Defendant further waive any right to appeal entry of this Stipulated Judgment.

1 4. **Fed. R. Civ. P. 65.** This Stipulated Judgment applies to and binds all parties
2 who are in active concert or participation with Defendant as provided in Fed. R. Civ. P. 65(d).
3 Defendant waives any objection under Fed. R. Civ. P. 65.

4 5. **Survival.** This Stipulated Judgment shall bind Defendant, its officers,
5 employees, agents, and servants. Fed. R. Civ. P. 65(d)(2)(B).

6 6. **Dismissal.** The Action is hereby dismissed with prejudice and without costs
7 or damages to either party.

8 7. **Authorization.** Each signatory to this Stipulated Judgment certifies that he or
9 she is fully authorized by the party or parties he or she represents to stipulate to this Stipulated
10 Judgment and to enter into and execute the Stipulated Judgment on behalf of the party or
11 parties represented and legally bind that party or parties. The undersigned have read,
12 understand and agree to all of the terms and conditions of this Stipulated Judgment.
13

14 IT IS SO ORDERED. The District Court Executive is directed to close this file.

15 Dated this 14th day of May, 2015.

16
17 *s/Lonny R. Suko*

18 _____
19 Lonny R. Suko
20 Senior United States District Judge